

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220.

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/038172

International filing date (day/month/year)
15.11.2004

Priority date (day/month/year)
17.11.2003

International Patent Classification (IPC) or both national classification and IPC
B21D26/02, B21D26/06

Applicant
MAGNA INTERNATIONAL INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 65.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. 1 Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/038172

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	13
	No: Claims	1-12,14,15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-15
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
D1 : WO 99/41028 A (DAIMLER CHRYSLER AG; BIKERT, ARNDT; BOBBERT, STEFAN) 19 August 1999 (1999-08-19)
D2 : DE 100 19 912 A1 (FORSCHUNGSGESELLSCHAFT UMFORMTECHNIK MBH) 31 October 2001 (2001-10-31)
D3 : EP 0 985 465 A (KABUSHIKI KAISHA OPTON) 15 March 2000 (2000-03-15)
D4 : DE 38 40 939 A1 (KUHN, RAINER, DIPL.-ING., 6690 ST WENDEL, DE) 7 June 1990 (1990-06-07)
D5 : DE 197 51 035 A1 (FORSCHUNGSGESELLSCHAFT UMFORMTECHNIK MBH, 70174 STUTTGART, DE; FORSCHU) 27 May 1999 (1999-05-27)

2 INDEPENDENT CLAIMS 1 AND 5:

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document):

A method of hydroforming a metal part (title) comprising:
placing a part (2) to be formed within a die (3);
closing the die (3) to enclose the part (2) to be formed; and
introducing a high pressure fluid to an interior (9) of the die (3) for expanding the part (2) against an interior surface of the die, the high pressure fluid having a pulse applied thereto for increasing a material flow of the part within the die (page 4, paragraph 2 to page 5, paragraph 1).

Independent claim 5 contains exactly the same features as claim 1, but in a slightly different wording. Consequently all features of claim 5 are also known from D1. The subject-matter of claim 5 is therefore not new: neither (Article 33(2) PCT).

Also documents D2 to D5 disclose a method comprising all the features of claims 1 and 5, respectively.

3 INDEPENDENT CLAIMS 9 AND 15:

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 9 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document):

A hydroforming assembly (1), comprising:
a die assembly (3);
a blank (2) positioned in said die assembly (3);
a pressurized fluid with said die assembly (3) to force said blank (2) against a wall of said die assembly (3) to conform said blank with said wall of said die assembly; and
a pulse-generating device (18) coupled to said pressurized fluid to provide a pulse to said pressurized fluid to create pulsing magnitudes of pressure of the pressurized fluid against said blank (2) to force said blank against said wall of said die assembly (3) (page 3, last paragraph to page 5, paragraph 1).

Independent claim 15 contains exactly the same features as claim 9, but in a slightly different wording. Consequently all features of claim 15 are also known from D1. The subject-matter of claim 15 is therefore not new neither (Article 33(2) PCT).

Also documents D2 to D5 disclose an assembly comprising all the features of claims 9 and 15, respectively.

6 DEPENDENT CLAIMS 2-4, 6-8, 10-14

Dependent claims 2-4, 6-8, 10-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

The additional features of claims 2-4, 6-8, 10-12 and 14 are known from D1 ((page 3, last paragraph to page 6, last paragraph). The range defined in claim 13 represents

usual pressure values for hydroforming.

Re Item VII.

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).